

## **REMARKS**

Applicant is in receipt of the Office Action mailed March 16, 2007. No claims have been added. Claims 74 and 75 have been cancelled, and claims 1, 58, 64, 76, 80-82, 89, 92, and 100 have been amended. Therefore, claims 1-73 and 76-104 remain pending in this case. Reconsideration of the present case is earnestly requested in light of the following remarks.

First, Applicant sincerely appreciates the Examiner's cooperation in bringing forth a first Office Action in this case. As the Examiner is aware, Applicant has filed numerous status inquiries and formal requests (in addition to many telephone calls) to receive this action. The Examiner has been most helpful throughout this process.

### **Telephone Interview**

In a telephone interview between the Examiner and Joel Stevens on June 12, 2007, the current claim limitations and the prior art was discussed. In particular, Applicant submitted that the cited prior art (Coult), did not teach or suggest the particular detection of resources recited in the claims. The Examiner requested that Applicant submit these arguments in the instant Office Action response for her review. Correspondingly, these arguments can be found below. Applicant invites the Examiner to discuss the current limitations and/or the prior art.

### **102 Rejection**

Claims 1-104 were rejected under 35 U.S.C. § 102(e) as being anticipated by Coult (US Publication No. 2002/0035571, "Coult"). Applicant traverses the rejection below.

Regarding claim 1, Applicant respectfully submits that Coult fails to disclose **detecting one or more resources coupled to or comprised in a computer system and retrieving patent marking information corresponding to each of said one or more resources**. With respect to these features, the Office Action relies on numerous paragraphs from Coult; however, these paragraphs do not teach the specific combination of limitations recited above. Applicant addresses each of the citations and assertions as they appear in the Office Action.

First, the Office Action cites the "patent categorization engine" (paragraph [0058]) as teaching "detecting one or more resources". First, Applicant notes that the limitation "detecting

one or more resources” is limited (as recited in the claim) to resources “coupled to or comprised in a computer system”; thus, the limitation is not simply detecting one or more resources, but is detecting one or more resources “coupled to or comprised in a computer system”. Second, the patent categorization engine described in this paragraph (and elsewhere in Coult) “is used metaphorically to mean any instrumentality or process—automated, semi-automated, or manual—by which a correlation of patents to products is accomplished”. Applicant respectfully submits that the mapping of patents to products does not teach detection of one or more resources coupled to or comprised in a computer system, and the cited paragraph does not provide any evidence that this is the case.

However, Applicant notes that the Office Action cites paragraphs [0045] and [0046] and asserts “World Wide Web or any other Internet Facility” for “coupled to or comprised in a computer system”. As argued above, the claim limitation specifically requires that the detection of the resources refers to resources coupled to or comprised in a computer system and cannot be interpreted separately. Paragraph [0045] defines the term “patent marking link”, which is “a patent marking notice which provides a link to a source of one or more patent numbers which are relevant to the marked products in a patent marking sense”. Paragraph [0046] defines the term “URL” which “defines the route to a file on the World Wide Web or any other Internet Facility”.

Thus, Applicant submits that the cited paragraphs have little pertinence with detecting one or more resources coupled to or comprised in a computer system as required by claim 1. While the patent categorization engine may correlate products with patent numbers and the URL / Patent Marking Link may be used to provide that correlation, Coult does not disclose **detecting one or more resources coupled to or comprised in a computer system** as required by claim 1.

Furthermore, as indicated above, Coult does not teach or suggest **retrieving patent marking information corresponding to each of said one or more resources** (which were detected and coupled to or comprised in the computer system). With respect to this limitation, the Office Action cites paragraphs [0042]-[0045], [0067]-[0073], [0077], and [0130]-[0131], and particularly emphasizes “patent marking service”. Applicant submits that paragraphs [0042]-[0045] relate to defining terms (more specifically, patent marking, direct patent marking, indirect patent marking, and patent marking link) used in Coult. While these terms relate to how products may be marked with patent marking information, they do not teach retrieving patent marking information corresponding to each of the detected one or more resources coupled to or comprised in the computer system.

Paragraphs [0067]-[0073] teach that the patent marking service may be used to build and maintain a patent database; build and maintain a product database; map, correlate, or categorize patent data and product data; distribute the results of such mapping; provide services (e.g., providing patent numbers related to products or products features); and updating the patent and product databases. Similarly, paragraph [0077] describes different methods for providing or retrieving patent data related to products (e.g., via calls from the public resulting in searching of data, real time searches by the categorization engine, providing a web page reserved for a client as a patent-product map, or posting that data on client's websites. Additionally, paragraph [0130] teaches that the public may use search software to locate the numbers of patents which relate to a product, component, or feature of interest. Finally, paragraph [0131] describes that a manufacturer may use the patent marking service to lookup appropriate links of the patent marking service associated with a product, and print the link on a product label for the product. Thus, while the patent marking service may map and correlate products and patent numbers (and provide these mappings in a variety of ways), it does not retrieve patent marking information corresponding to each of the detected one or more resources coupled to or comprised in the computer system as required by claim 1. Thus, Applicant submits that Coult fails to disclose **detecting one or more resources coupled to or comprised in a computer system and retrieving patent marking information corresponding to each of said one or more resources.**

Thus, for at least the reasons provided above, Applicant submits that Coult fails to teach all the features and limitations of claim 1, and so Applicant submits that claim 1 and those claims dependent therefrom are patentably distinct and non-obvious over the cited art, and are thus allowable. Claims 24, 36, 58, 82, 85, 86, 89, 92, 93, 94, and 100 include similar limitations as claim 1, and so the above arguments apply with equal force to these claims. Thus, for at least the reasons provided above, Applicant submits that claims 24, 36, 82, 85, 86, 93, and 94, and those claims respectively dependent therefrom, are patentably distinct and non-obvious, and are thus allowable.

With respect to claim 58, new claim 58 recites as follows:

receiving user input to purchase one or more software products from an e-commerce server, wherein the user input is received over a network; downloading the one or more software products to a computer system from the e-commerce server over the network; retrieving patent

marking information corresponding to each of said one or more software products based on the user input; and displaying said patent marking information.

In particular, Applicant respectfully submits that Coult fails to disclose receiving user input to purchase software products and retrieving patent marking information corresponding to each of the software products based on the user input as required in the claim. Thus, for at least the reasons above, Applicant submits that claims 89, 92, and 100, and those claims respectively dependent therefrom, are patentably distinct and non-obvious, and are thus allowable.

Applicant also submits that numerous ones of the dependent claims recite further distinctions over the cited art. However, since the rejection has been shown to be unsupported for the independent claims, a further discussion of the dependent claims is not necessary at this time.

## **CONCLUSION**

Applicant submits the application is in condition for allowance, and an early notice to that effect is requested.

If any extensions of time (under 37 C.F.R. § 1.136) are necessary to prevent the above-referenced application(s) from becoming abandoned, Applicant(s) hereby petition for such extensions. The Commissioner is hereby authorized to charge any fees which may be required or credit any overpayment to Meyertons, Hood, Kivlin, Kowert & Goetzel P.C., Deposit Account No. 50-1505/5150-64300/JCH.

Respectfully submitted,

/Jeffrey C. Hood/

Jeffrey C. Hood, Reg. #35198  
ATTORNEY FOR APPLICANT(S)

Meyertons, Hood, Kivlin, Kowert & Goetzel PC  
P.O. Box 398  
Austin, TX 78767-0398  
Phone: (512) 853-8800  
Date: June 18, 2007 JCH/JLS